



January 24, 2003

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## HOUSE BILL No. 1089

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DIGEST OF HB 1089 (Updated January 21, 2003 6:00 PM - DI 96)

**Citations Affected:** IC 36-8.

**Synopsis:** Hiring preference for public safety survivors. Requires a city fire department, a city or county police department, or a township fire department to give a hiring preference according to the following priority: (1) A war veteran. (2) A person whose mother or father was a full-time, fully paid firefighter or police officer who died in the line of duty.

**Effective:** July 1, 2003.

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### Kersey, Neese

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January 7, 2003, read first time and referred to Committee on Labor and Employment.  
January 23, 2003, amended, reported — Do Pass.

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HB 1089—LS 6569/DI 87+



January 24, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## HOUSE BILL No. 1089

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 36-8-4-10 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. **(a) Subject to**  
3 **subsection (b)**, the board or persons having the authority to employ  
4 members of the fire **or police** department shall give **a preference for**  
5 **employment according to the following priority:**

6 (1) A war ~~veterans~~ **veteran** who ~~have~~ **has** been honorably  
7 discharged from the United States armed forces. ~~preference for~~  
8 ~~employment if those persons apply~~

9 (2) A person whose mother or father was a full-time, fully  
10 paid:

11 (A) firefighter of a unit;

12 (B) municipal police officer; or

13 (C) county police officer;

14 who died in the line of duty (as defined in IC 5-10-10-2).

15 (b) A person described in subsection (a) may not receive a  
16 preference for employment unless the person:

17 (1) applies; and

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(2) if the applicants meet the physical and age requirements prescribed meets all employment requirements prescribed:

(A) by law, including physical and age requirements; and

(B) by the fire or police department.

SECTION 2. IC 36-8-10-10.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 10.4. (a) Subject to subsection (b), the board shall give a preference for employment according to the following priority:**

(1) A war veteran who has been honorably discharged from the United States armed forces.

(2) A person whose mother or father was a full-time, fully paid:

(A) firefighter of a unit;

(B) municipal police officer; or

(C) county police officer;

who died in the line of duty (as defined in IC 5-10-10-2).

(b) A person described in subsection (a) may not receive a preference for employment unless the person:

(1) applies; and

(2) meets all employment requirements prescribed:

(A) by law, including physical and age requirements; and

(B) by the department.

SECTION 3. IC 36-8-13-3, AS AMENDED BY P.L.90-2002, SECTION 494, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 3. (a) The executive of a township, with the approval of the legislative body, may do the following:**

(1) Purchase firefighting and emergency services apparatus and equipment for the township, provide for the housing, care, maintenance, operation, and use of the apparatus and equipment to provide services within the township but outside the corporate boundaries of municipalities, and employ full-time or part-time personnel to operate the apparatus and equipment and to provide services in that area. **Preference in employment under this section shall be given according to the following priority:**

(A) A war veteran who has been honorably discharged from the United States armed forces.

(B) A person whose mother or father was a full-time, fully paid:

(i) firefighter of a unit;

(ii) municipal police officer; or

(iii) county police officer;



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1           **who died in the line of duty (as defined in IC 5-10-10-2).**  
 2           **A person described in this subdivision may not receive a**  
 3           **preference for employment unless the person applies for**  
 4           **employment and meets all employment requirements**  
 5           **prescribed by law, including physical and age requirements,**  
 6           **and all employment requirements prescribed by the fire**  
 7           **department.**

8           (2) Contract with a municipality in the township or in a  
 9           contiguous township that maintains adequate firefighting or  
 10          emergency services apparatus and equipment to provide fire  
 11          protection or emergency services for the township in accordance  
 12          with IC 36-1-7.

13          (3) Cooperate with a municipality in the township or in a  
 14          contiguous township in the purchase, maintenance, and upkeep of  
 15          firefighting or emergency services apparatus and equipment for  
 16          use in the municipality and township in accordance with  
 17          IC 36-1-7.

18          (4) Contract with a volunteer fire department that has been  
 19          organized to fight fires in the township for the use and operation  
 20          of firefighting apparatus and equipment that has been purchased  
 21          by the township in order to save the private and public property  
 22          of the township from destruction by fire, including use of the  
 23          apparatus and equipment in an adjoining township by the  
 24          department if the department has made a contract with the  
 25          executive of the adjoining township for the furnishing of  
 26          firefighting service within the township.

27          (5) Contract with a volunteer fire department that maintains  
 28          adequate firefighting service in accordance with IC 36-8-12.

29          (b) This subsection applies only to townships that provide fire  
 30          protection or emergency services or both under subsection (a)(1) and  
 31          to municipalities that have all municipal territory completely within a  
 32          township and do not have a full-time paid fire department. A township  
 33          may provide fire protection or emergency services or both without  
 34          contracts inside the corporate boundaries of the municipalities if before  
 35          July 1 of a year the following occur:

36               (1) The legislative body of the municipality adopts an ordinance  
 37               to have the township provide the services without a contract.

38               (2) The township legislative body passes a resolution approving  
 39               the township's provision of the services without contracts to the  
 40               municipality.

41          In a township providing services to a municipality under this section,  
 42          the legislative body of either the township or a municipality in the

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1 township may opt out of participation under this subsection by adopting  
2 an ordinance or a resolution, respectively, before July 1 of a year.

3 (c) This subsection applies only to a township that:

4 (1) is located in a county containing a consolidated city;

5 (2) has at least three (3) included towns (as defined in  
6 IC 36-3-1-7) that have all municipal territory completely within  
7 the township on January 1, 1996; and

8 (3) provides fire protection or emergency services, or both, under  
9 subsection (a)(1);

10 and to included towns (as defined in IC 36-3-1-7) that have all the  
11 included town's municipal territory completely within the township. A  
12 township may provide fire protection or emergency services, or both,  
13 without contracts inside the corporate boundaries of the municipalities  
14 if before August 1 of the year preceding the first calendar year to which  
15 this subsection applies the township legislative body passes a  
16 resolution approving the township's provision of the services without  
17 contracts to the municipality. The resolution must identify the included  
18 towns to which the resolution applies. In a township providing services  
19 to a municipality under this section, the legislative body of the  
20 township may opt out of participation under this subsection by adopting  
21 a resolution before July 1 of a year. A copy of a resolution adopted  
22 under this subsection shall be submitted to the executive of each  
23 included town covered by the resolution, the county auditor, and the  
24 department of local government finance.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1089, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 11, delete "firefighter;" and insert "**firefighter of a unit;**".

Page 2, line 14, delete "firefighter;" and insert "**firefighter of a unit;**".

Page 2, after line 23, begin anew paragraph and insert:

"SECTION 3. IC 36-8-13-3, AS AMENDED BY P.L.90-2002, SECTION 494, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) The executive of a township, with the approval of the legislative body, may do the following:

(1) Purchase firefighting and emergency services apparatus and equipment for the township, provide for the housing, care, maintenance, operation, and use of the apparatus and equipment to provide services within the township but outside the corporate boundaries of municipalities, and employ full-time or part-time personnel to operate the apparatus and equipment and to provide services in that area. **Preference in employment under this section shall be given according to the following priority:**

(A) A war veteran who has been honorably discharged from the United States armed forces.

(B) A person whose mother or father was a full-time, fully paid:

- (i) firefighter of a unit;
- (ii) municipal police officer; or
- (iii) county police officer;

who died in the line of duty (as defined in IC 5-10-10-2).

**A person described in this subdivision may not receive a preference for employment unless the person applies for employment and meets all employment requirements prescribed by law, including physical and age requirements, and all employment requirements prescribed by the fire department.**

(2) Contract with a municipality in the township or in a contiguous township that maintains adequate firefighting or emergency services apparatus and equipment to provide fire protection or emergency services for the township in accordance with IC 36-1-7.

(3) Cooperate with a municipality in the township or in a



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contiguous township in the purchase, maintenance, and upkeep of firefighting or emergency services apparatus and equipment for use in the municipality and township in accordance with IC 36-1-7.

(4) Contract with a volunteer fire department that has been organized to fight fires in the township for the use and operation of firefighting apparatus and equipment that has been purchased by the township in order to save the private and public property of the township from destruction by fire, including use of the apparatus and equipment in an adjoining township by the department if the department has made a contract with the executive of the adjoining township for the furnishing of firefighting service within the township.

(5) Contract with a volunteer fire department that maintains adequate firefighting service in accordance with IC 36-8-12.

(b) This subsection applies only to townships that provide fire protection or emergency services or both under subsection (a)(1) and to municipalities that have all municipal territory completely within a township and do not have a full-time paid fire department. A township may provide fire protection or emergency services or both without contracts inside the corporate boundaries of the municipalities if before July 1 of a year the following occur:

(1) The legislative body of the municipality adopts an ordinance to have the township provide the services without a contract.

(2) The township legislative body passes a resolution approving the township's provision of the services without contracts to the municipality.

In a township providing services to a municipality under this section, the legislative body of either the township or a municipality in the township may opt out of participation under this subsection by adopting an ordinance or a resolution, respectively, before July 1 of a year.

(c) This subsection applies only to a township that:

(1) is located in a county containing a consolidated city;

(2) has at least three (3) included towns (as defined in IC 36-3-1-7) that have all municipal territory completely within the township on January 1, 1996; and

(3) provides fire protection or emergency services, or both, under subsection (a)(1);

and to included towns (as defined in IC 36-3-1-7) that have all the included town's municipal territory completely within the township. A township may provide fire protection or emergency services, or both, without contracts inside the corporate boundaries of the municipalities

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if before August 1 of the year preceding the first calendar year to which this subsection applies the township legislative body passes a resolution approving the township's provision of the services without contracts to the municipality. The resolution must identify the included towns to which the resolution applies. In a township providing services to a municipality under this section, the legislative body of the township may opt out of participation under this subsection by adopting a resolution before July 1 of a year. A copy of a resolution adopted under this subsection shall be submitted to the executive of each included town covered by the resolution, the county auditor, and the department of local government finance."

and when so amended that said bill do pass.

(Reference is to HB 1089 as introduced.)

LIGGETT, Chair

Committee Vote: yeas 13, nays 0.

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